

Members

Rep. Markt Lytle, Chair
Rep. Dale Sturtz
Rep. Richard Mangus
Rep. Phyllis Pond
Sen. Greg Server
Sen. Harold Wheeler
Sen. Allie Craycraft
Sen. James Lewis



NATURAL RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-5

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MEETING MINUTES¹

Meeting Date: September 1 and 2, 1999
Meeting Time: 1:00 p.m.
Meeting Place: Pokagon State Park, Potawatami Inn
Meeting City: Angola, Indiana
Meeting Number: 3

Members Present: Rep. Markt Lytle, Chair; Rep. Dale Sturtz; Rep. Richard Mangus; Rep. Phyllis Pond; Sen. Harold Wheeler; Sen. Allie Craycraft; Sen. James Lewis.

Members Absent: Sen. Greg Server.

Call to Order. Rep. Markt Lytle, Chair of the Natural Resources Study Committee, called the meeting to order. After an introduction of the committee members, Rep. Lytle introduced the first topic which was the preservation of cemeteries.

Preservation of Cemeteries. John Molitor, Historic Landmarks Foundation, distributed drafts of proposed legislation pertaining to the following four issues: transfer of property containing human remains; development around cemeteries; agricultural exemptions; and cataloguing requirements (Exhibit 1).

Marsh Davis, Historic Landmarks Foundation, submitted a proposal for the comprehensive inventory of Indiana cemeteries (Exhibit 2).

Matt Hopper, Indiana Department of Health (IDOH), distributed forms that the IDOH uses to issue a permit to disinter and/or re-inter human remains (Exhibit 3). He indicated that the forms do not identify the location of the cemetery. He indicated that the IDOH does not maintain an

¹Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

electronic database of information contained in death certificates. Hence, accessing the information would be labor intensive and require retrieving hard copies.

Rep. Lytle shared with the committee a copy of an Email that he had received from Lois Mauk that discussed her concerns about the preservation of cemeteries (Exhibit 4). Rep. Lytle asked staff to provide the committee with the definition(s) of a cemetery for the next committee meeting.

Boating Laws and Licenses. **Al Schelker** provided a list of recommendations pertaining to boating laws and licenses from the Indiana Marina Association (Exhibit 5).

John Welker, resident, expressed his concerns about the judgement used by DNR enforcement officers when stopping boaters on the local lakes.

Dennis Roller, resident, indicated that boating education laws should be mandatory and customers should have a certificate of completion of a boating education course before being allowed to purchase a boat. He also expressed his concerns about the DNR officers. He suggested that boaters should not be given tickets for minor infractions, and that the DNR should not use safety inspections to harass boaters.

Colonel Larry Allen, Director of the DNR Enforcement Division, shared statistics on the number of tickets issued in the area. Conservation officers made 8,000 stops; 1,500 were written up with one-half receiving warnings and one-half being arrested. The remainder received only verbal warnings. Boaters with complaints should send them to the district lieutenant or the Indianapolis DNR office.

Kathy Kirlson, resident, noted that overcrowding on the lakes is a major concern. She suggested that laws for automobiles should apply to boats.

Horse Trails. **Ben Hubbard, Program Director, DNR Division of Forestry**, provided an overview of the policy and guidelines governing recreational horse use (Exhibit 6). He also outlined the locations of horse trails on Indiana state properties.

Director Macklin indicated that the DNR may maintain the horse trails that are already present on reclaimed mine lands purchased by the state.

LaMar Schrock, resident, asked that horse trails be opened on the Pigeon River Reserve.

Dave Vice, DNR Deputy Director, indicated that the DNR would evaluate the feasibility of opening a horse trail around the perimeter of state properties.

Federal Audit of DNR Fish and Wildlife Funds. **Doug Allman, Indiana Deer Hunters Association**, announced that the DNR may not be reimbursed \$500,000 from the federal government due to questionable and undocumented costs submitted by the DNR to the federal government for federal reimbursement. Mr. Allman stressed that this revenue was collected from Indiana sportsmen and that these funds are now potentially lost for use on Indiana programs. Mr. Allman submitted a copy of the federal audit. (Exhibit 7). The Deer Hunters Association recommended the following:

1. An immediate change in leadership of the Division.
2. An additional detailed review be undertaken to determine whether the programs and services used as qualifying costs for federal money are of value to the sportsmen and wildlife of Indiana. The review should determine whether federal money has been used by the DNR administration for non-sportsmen and non-wildlife related salaries.
3. An oversight committee be established to monitor and approve the use of federal

funds.

4. The immediate purchase and implementation of an electronic point of sale licensing program. (Exhibit 8)

Mr. Vice indicated that the audit period was from 1993-1996. The DNR did not have sufficient documentation to receive reimbursement for \$500,000 over a three-year period. Director Macklin stressed that the lack of reimbursement was the result of an accounting issue and that fraud was not involved.

Indiana Rivers and Lakes Relative to Fisheries and Outdoor Recreation. Rep. Lytle indicated that the committee would discuss issues pertaining to Indiana rivers and lakes at a subsequent committee meeting.

Fees Participants Pay into the Coal Mining Bond Pool. Nat Noland, Indiana Coal Council. asked the Committee to consider the fees that participants pay into the Coal Mining Bond Pool. Currently, the fees are set by statute. He suggested that when the fund reaches certain levels or when operators have demonstrated a good history that the Department be given the authority by rule to reduce the fees to a lesser amount, subject to review by the federal Office of Surface Mining. Mr. Noland distributed a draft of his proposal (Exhibit 9).

Thursday, September 2, 1999. The meeting of the Natural Resources Study Committee resumed on Thursday, September 2, 1999, at 9:00 a.m.

Water Resource Management Program. IC 14-25-7-16 requires the Committee to (1) oversee the water resource management program under IC 14-25-7 and the needs of the people of Indiana; and (2) report the findings and recommendations to the General Assembly through the Legislative Council.

Jim Hebenstreit, Department of Natural Resources (DNR), administrator of the water resource management program, gave a report to the Committee to enable this statutory requirement to be met. IC 14-25-7 requires the Department to do the following:

1. Make a continuous assessment of water resources, an inventory, and a plan. This requirement is met through various reports and studies. A report was distributed entitled "*Water Resource Availability in the Maumee River Basin, Indiana.*" Similar reports now exist for five of the twelve drainage basins in the state.

2. Inventory and register high water withdrawal facilities. Currently, 3,554 facilities are registered. Together they withdraw enough water to cover the entire state with five inches of water.

3. Plan for water shortages. Studies are complete on minimum stream flow, and a water shortage plan has been developed. Current drought conditions in the state are being monitored. Documents were distributed entitled "*Trends in Indiana's Water Use 1986-1996*" and "*Indiana's Water Shortage Plan 1994.*"

Rep. Pond expressed concern about the number of large new homes using open systems that pump water directly into rivers and streams rather than reusing the water.

Mr. Hebenstreit stated that in the future, more conflicts between water users may lead to the need for a permit system to regulate water use. DNR conducts specialized water needs and/or use studies upon request. Water well drillers must have a license and must file a report with the DNR including information on the types of material drilled through when making the well. No regulation is required for a landowner to dig a pond on the landowner's property. Regulation of overflow onto adjoining property is a legal issue, not a technical one. Mr. Hebenstreit offered to research the

legality of discharging water from a pond to a neighbor's land. If a water well is abandoned, it must capped (if drilled before 1988) or grouted (if drilled 1988 or later). Mr. Hebenstreit will provide members with additional information on this issue. However, a well is not abandoned if a hand pump is installed.

Rep. Lytle remarked that the Water Resources Study Committee, chaired by Senator Wheeler, also studies this topic.

Other Issues. Earnest Richardson, Pleasant Lake, Steuben County, reported that the city of Angola dumps raw sewage into Pigeon Creek which eventually pollutes several lakes, including Lake James (the lake at Pokagon State Park). PCBs and mercury are also polluting the lakes. A limit on fish consumption has been imposed of one fish meal per month or week (depending on the lake), if the fish is not a bottom feeder and the eater is not pregnant. Installing a sewer system around the lakes would help with the pollution problem. Septic systems leak and are not very good at best. A system was recently installed at Lake George. At Long Lake, the residents favor a sewer system, but the cost is prohibitive.

Members made the following comments and/or offered the following advice to Mr. Richardson:

- The state will look into the Angola situation.
- Along the Ohio River, an individual cannot build without first obtaining a good septic system.
- Some federal financial assistance is available for sewage systems, but the grants are income sensitive.
- Agricultural runoff also pollutes water and is more of a problem than septic. Education is needed in this area.
- Work with the local Soil and Water Conservation District.
- Raw sewage is an IDEM issue.

Mr. Hebenstreit stated that the DNR Division of Soil Conservation does diagnostic studies to determine the source of pollution problems.

Steve Fribley, Crooked Lake resident and dam operator, quoted an engineering report showing that Angola lacks capacity in its sewage treatment system to handle the growth that is occurring in the area. On many occasions, the Angola system must overflow. Several municipalities in the area are involved in jurisdictional disputes. For example, Orland claims jurisdiction for ten miles around the town and has large pools of sewage under treatment.

Rep. Mangus stated that municipalities do not want to have septic systems installed because they hope to eventually have county wide waste systems. Methods are available to treat waste, but residents do not want to pay for the systems. In addition, affluence rules out federal grants.

Mr. Fribley discussed a variety of other concerns of lake residents including the operation of dams, the dissatisfaction with current low water levels, and the ever-increasing size and power of boats.

Rep. Lytle adjourned the meeting. Members viewed the facilities of Pokagon State Park and its environs.